

Minutes
Notice of Regular Meeting
Oneida County Board of Supervisors
Tuesday, April 17, 2018 – 9:30 a.m.
County Board Meeting Room - 2nd Floor Oneida County Courthouse

CALL TO ORDER.

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas followed by the Pledge of Allegiance.

MEMBERS PRESENT: Alan VanRaalte, Billy Fried, Lance Krolczyk, Tom Kelly, Jack Sorensen, Sonny Paszak, Dave Hintz, Robb Jensen, Jim Winkler, Greg Pence, Bob Mott, Scott Holewinski, Greg Oettinger, Mike Timmons, Mitchell Ives, Ted Cushing, Bob Metropulos, William Liebert, Steven Schreier, Russ Fisher and Bob Almekinder.

Members Present: 21

SWEARING-IN CEREMONY BY JUDGE MICHAEL H. BLOOM: Judge Michael Bloom administered the Oath of Office of County Board Supervisor to the 21 Supervisors present. Supervisors were asked to sign their individual oath and return them to the Clerk. The newest supervisors, William Liebert, Steven Schreier, Russ Fisher and Bob Almekinder were sworn in as County Supervisors.

ELECTION OF THE COUNTY BOARD CHAIR: Hintz opened nominations for County Board Chair.

Nomination: Ted Cushing Nominated David Hintz

Motion/Second Jensen/Sorensen to nominate David Hintz, by unanimous consent, for County Board Chair.

Roll Call Vote: 21 Aye

Student Representative: 2 Aye

County Board Chair: David Hintz

ELECTION OF THE COUNTY BOARD 1ST VICE-CHAIR: Hintz opened nominations for County Board 1st Vice-Chair.

Nomination: Ted Cushing nominated Jack Sorensen

Motion/Second VanRaalte/Cushing to nominate Jack Sorensen, by unanimous consent for 1st Vice-Chair.

Roll Call Vote: 21 Aye

Student Representative: 2 Aye

County Board 1st Vice-Chair: Jack Sorensen

ELECTION OF THE COUNTY BOARD 2ND VICE-CHAIR: Hintz opened nominations for County Board 2nd Vice-Chair.

Nomination: Steven Schreier nominated Robb Jensen

Nomination: Jim Winkler nominated Tom Kelly

Ballot Count: (15) Jensen, (6) Kelly

County Board 2nd Vice-Chair: Robb Jensen

ELECTION OF HIGHWAY COMMITTEE MEMBERS: Vote for not more than 5. Ballots must be initialed.

Nomination: Scott Holewinski nominated Robb Jensen

Nomination: Mike Timmons nominated Ted Cushing

Nomination: Tom Kelly nominated Mike Timmons

Nomination: Bob Mott nominated Mitch Ives

Nomination: Robb Jensen nominated Sonny Paszak

Nomination: Greg Oettinger nominated Scott Holewinski

Nomination: Lance Krolczyk nominated Billy Fried

Motion/Second Cushing/Winkler to close the nominations. All "Aye" on voice vote, motion carries. Reminder by Hintz to initial ballot.

Ballot Count: (19) Jensen, (18) Cushing, (17) Timmons, (13) Paszak, (20) Holewinski, (8) Fried, (9) Ives

Highway Committee Members: Holewinski, Jensen, Cushing, Timmons, Paszak

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign attendance form at the podium.
- Please use a microphone when speaking.

- The Chairman may select a Committee on Committees to assist in the selection of standing Committees of the Board. Following County Board Meeting Committee on Committees will meet in Committee Room # 2.
- Reminder to notify the County Clerk 48 hours in advance of attendance of any committee meeting that you are not a member.
- WCA welcome packet had been distributed prior to meeting.
- WCA membership survey - Please fill out and return to the County Clerk's Office.
- New Supervisor Orientation overview presented by Lisa Charbarneau.
- 2018 County Officials Workshops – Please register with the County Clerk.

ACCEPT THE MINUTES OF THE MARCH 20, 2018 MEETING.

Motion/Second Cushing/Sorensen to accept the minutes of the March 20, 2018 meeting. All "Aye" for approval on corrected minutes, motion carries.

REPORTS/PRESENTATIONS:

- Economic Development Corporation – Introduction of new director, Stacy Johnson and recognition of retiring director, Roger Luce.
- Recognition of Dianne Jacobson – Bob Mott awarded Jacobson with a certificate recognizing over 21 years of service.

PUBLIC COMMENT: Eileen Lonsdorf spoke in support of Resolution # 28 – 2008 encouraging a yes vote. Tom Jerow spoke in support of Resolution # 28-2008.

CONSENT AGENDA

Resolution # 24 - 2018: Offered by the Supervisors of the Land Records Committee conveying PIN TL 1936-1 to the Town of Three Lakes.

WHEREAS, Oneida County retained the East 33' of Lot 1 of Steve Gwidt's Plat No. 1 in Section 15, Township 38 North, Range 10 East, as described in Volume 58 of Deeds, Page 54, Document Number 117419, recorded in Register of Deeds on January 4th, 1944; and,

WHEREAS, a request has been made to Oneida County from the Town of Three Lakes requesting that said strip of land described above be conveyed to the Town of Three Lakes who are the owners of the adjacent property to the east which is the Panfish Boat Landing RD to Thunder Lake.

WHEREAS, the Land Records Committee recommends that the parcel described in Exhibit A be conveyed to the Town of Three Lakes for the cost of recording the deed.

NOW, THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors hereby approves conveying the parcel described in Exhibit A below to the Town of Three Lakes, and the Board authorizes the County Clerk, upon receipt of the \$30 deed recording fees, to issue a quit claim deed conveying any interest the County has in the description described in Exhibit A.

Approved by the Land Records Committee this 10th, day of April 2018.

Offered and passage moved by: Sonny Paszak, Greg Oettinger, Greg Pence, Mike Timmons and Lisa Zunker.

- Appointments to Committees, Commissions and other Organizations:
 - Reappoint Dr. Amy Slette to the Board of Health.
 - Appoint citizen Carol Pederson to the Commission on Aging.
 - Appoint citizen Walter Gager, MD to the Commission on Aging.

Motion/Second VanRaalte/Jensen to accept the Consent Agenda as presented.

Roll Call Vote: 21 Aye

Student Representative: 2 Aye

Consent Agenda was approved.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 25 - 2018: Offered by the Supervisors of the Administration Committee to name the Rhinelander-Oneida County Airport Passenger Terminal the Robert G. Heck Passenger Terminal.

WHEREAS, in the early 1970's Regional Airline North Central was making plans to enter the jet age with McDonald Douglas DC 9's; and

WHEREAS, the airline was meeting with communities informing them of upgrading into jet equipment in the future. They explained that runways needed be to lengthen and passenger terminals expanded to accommodate jet aircraft and future passenger demands. They also told those communities if they didn't their service would be discontinued; and

WHEREAS, North Central Airlines management shared the same office complex in Wausau with Mr. Heck. Robert was asked to make this happen in Rhinelander and he did.

WHEREAS, Bob became the Airport Commission Chair in October of 1975 and together with many industry experts spent countless hours in meetings planning and securing local, state, and Federal funding to build a new 14,000 square foot passenger terminal and a 6,800 foot primary runway.

WHEREAS, Bob took on the challenge and began this enormous task of expanding and modernizing the airport.

WHEREAS, Because of Bob's efforts the new runway was opened for service in August 1977 along with a new maintenance and Crash Fire Rescue facility.

WHEREAS, a state-of-art Instrument Landing System was installed that same year which lowered the minimums for aircraft to land safely and, in April 1979 the awarding winning passenger terminal was open for public use.

WHEREAS, Since Mr. Heck became Commission Chair over forty three years ago the airport has seen in excess of 38 million dollars in local, state, and Federal Grants. Included in those Grants were the World's first commercial Infrared Deicer, the U.S. first non-motorized disable passenger lift that worked on small regional aircraft, and a boarding bridge for regional aircraft so our customers enplane and deplane out of the weather we have in the northern Wisconsin.

WHEREAS, in recognition of his efforts Bob received Wisconsin Aviation Person of the Year and Wisconsin Aviation Lifetime Service Award. Under his guidance the airport received awards from the Federal Aviation Administration for Design, Art, and Architecture, Airport Safety Excellence, and two National Airport Snow and Ice Control.

WHEREAS, in recognition of all of Robert Heck's efforts to modernize and improve the Rhinelander-Oneida County airport it is recommended that the passenger terminal be re-named the Robert Heck passenger terminal.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that the passenger terminal at the Rhinelander-Oneida County airport be officially named the Robert G. Heck Passenger Terminal.

Offered and passage moved by: Dave Hintz, Robb Jensen, Ted Cushing, Billy Fried and Bob Mott.

Discussion: Hintz went over Heck's 43 years of contributions to the Airport Commission. Joe Brauer discussed Heck's impact on the Airport.

Roll Call Vote on Resolution # 25 – 2018: 21 Aye

Student Representative: 2 Aye

Resolution # 25 – 2018: Adopted

Resolution # 26 - 2018: Offered by the Supervisors of the Administration Committee to approve the 2017 overdrawn budgets in excess of 10% of the original budget.

WHEREAS, the Oneida County Board of Supervisors has been advised by the Administration Committee and the County Auditor/Finance Director that the accounts set forth below are overdrawn for the year ended December 31, 2017, and the County Board has determined that a transfer of funds as noted below is necessary to pay claims which have been made or which are anticipated,

WHEREAS, Branch I has expenditures of \$44,235 more than the original budgeted expenditure amount of \$164,868, resulting in a budget deficit of \$44,235, and

WHEREAS, the Wisconsin Statutes require a resolution adopted by the County Board under section 65.90 (5)(b) for the transfer of money for any purpose in excess of funds appropriated; and

WHEREAS, appropriations available in the Contingency Fund were utilized for budgets that were

overdrawn but by less than 10% of their budget and approved by the Administration Committee for this purpose, and the accounts below exceeded budgeted amounts by more than 10%.

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the 2017 budget transfers as listed below:

TRANSFER TO:

1) Branch I \$44,235

TRANSFER FROM:

Contingency \$44,235

1) Medical, Guardian Ad Litem and Court Appointed Attorney expenditures exceeded budget.

Vote Required: Majority = _____ 2/3 Majority = X 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Approved by the Administration Committee this 5th day of April, 2018.

Offered and passage moved by: David Hintz, Robb Jensen, Ted Cushing, Billy Fried and Bob Mott.

Discussion: Darcy Smith went over the process for the closing end of year budgets. She discussed that this would need to be covered by 2017 contingency budget. Hintz explained that the contingency fund is used for unexpected costs.

Roll Call Vote on Resolution # 26 – 2018: 21 Aye

Student Representative: 2 Aye

Resolution # 26 – 2018: Adopted

Resolution # 27 - 2018: Offered by the Supervisors of the Administration Committee to authorize 2017 budget transfers.

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Oneida County budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors, and

WHEREAS, the Administration Committee has reviewed and does recommend the 2017 transfers listed below,

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the budget transfers as listed below:

APPLY ADDITIONAL REVENUES RECEIVED TO RELATED EXPENSES

Buildings and Grounds	37,256
Department on Aging	27,215
Social Services	47,661
Emergency Management	58,943
Highway	605,785
Insurance	176,198
Land Information	20,141
LRES	5,923
Probate	850
Public Health	7,204
Sheriff	288,164
Solid Waste	49,899

UW Extension	50
TOTAL	1,325,289

TO APPLY CARRYFORWARD MONEY TO CURRENT YEAR BUDGET

Buildings and Grounds	10,335
Emergency Management	1,220
Highway	201,776
Land Information	117,045
Public Health	2,469
Sheriff	3,336
Solid Waste	46,456
UW Extension Fair	2,776
TOTAL	385,413

REDUCE BUDGET TO REFLECT REDUCTION IN RELATED REVENUES

Department on Aging	539
Social Services	16,415
TOTAL	16,954

Approved by the Administration Committee this 5th day of April, 2018.

Offered and passage moved by: Dave Hintz, Robb Jensen, Ted Cushing, Billy Fried and Bob Mott.

Discussion: Smith went over proposed transfers and discussion ensued.

Roll Call Vote on Resolution # 27 – 2018: 21 Aye

Student Representative: 2 Aye

Resolution # 27 – 2018: Adopted

Resolution # 28 - 2018: Offered by the Supervisors of the Planning and Development Committee to waive Attorney/Client privilege protection and work product privilege protection with regard to metallic mining ordinance related documents.

WHEREAS, Oneida County is a municipal corporation; and

WHEREAS, Oneida County takes official action through the Oneida County Board of Supervisors, unless that authority has been delegated to another sub-unit of government or county official; and

WHEREAS, Oneida County enjoys attorney/client privilege with relation to legal opinions rendered by counsel (Corporation Counsel or outside legal counsel), communications with counsel and with regard to work product of from that relationship; and

WHEREAS, in order to waive attorney/client privilege the a majority vote of the Oneida County Board is required, and

WHEREAS, Oneida County is currently working with legal counsel to update Section 9.61 of the Oneida County Zoning and Shoreland Protection Ordinance entitled *Metallic Mineral Exploration, Prospecting and Mining*; and

WHEREAS, the Planning and Development Committee now seeks to have the County Board delegate to that Committee the authority to waive attorney/client privilege with regards to attorney/client communications and work product related to the update of ordinance section 9.61;

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that authority to waive attorney/client privilege is hereby delegated to the Planning & Development Committee with regards to the update of Section 9.61 of the Oneida County Zoning and Shoreland Protection Ordinance entitled *Metallic Mineral Exploration, Prospecting and Mining* and no other attorney/client privileged matters.

Offered and passage moved by: Jack Sorensen, Scott Holewinski, Mike Timmons and Dave Hintz.

Discussion: Sorensen discussed the development of new mining code and transparency as it relates to the process. He stated this resolution still allows for closed session if there is a need. Per Sorensen the Resolution delegates authority to the Planning and Development Committee to determine the necessity of the public to obtain information. Fugel went over

attorney client privilege. Assistant Corporation Counsel, Mike Fugel read a letter regarding waiver of Attorney Client Privilege drafted by Brian Desmond, Corporation Counsel; discussion ensued.

Motion/Second Holewinski/Timmons to amend Resolution # 28 – 2018 on line 4 to remove the words “and work product privilege protection”, line 15 remove the words “and with regard to work product of from that relationship”, and line 23 to remove “and work product”.

Roll Call Vote on Amendment to Resolution # 28 – 2018: 21 Aye

Student Representative: 2 Aye

Amendment to Resolution # 28 – 2018: Adopted

Roll Call Vote on Amended Resolution # 28 – 2018: 20 Aye, 1 Nay, Fried

Student Representative: 2 Aye

Resolution # 28 – 2018: Adopted

Resolution # 29 - 2018: Offered by the Supervisors of the Administration Committee to retain outside counsel William P. Scott for phase 2 of the revisions to Zoning Ordinance s. 9.61 which regulates mining in Oneida County.

WHEREAS, Oneida County previously hired outside counsel to draft the now adopted ordinance section 9.61, which regulates metallic mining in Oneida County; and

WHEREAS, the State of Wisconsin has recently amended state statutes with regard to Metallic Mining (see, 2017 Wisconsin Act 134);

WHEREAS, the Planning and Development Committee has hired outside counsel with mining law experience to assist with a review of our current ordinance section 9.61 to ensure that the regulations contained therein are enforceable in light of the recent changes to State law and to provide legal advice regarding provisions that are unenforceable or vulnerable to challenge; and

WHEREAS, the Planning and Development Committee has sought out the assistance of Attorney William Scott (William P. Scott, Attorney at Law, Inc.) to review the current ordinance section 9.61 in light of the recent changes to State law; and

WHEREAS, the Planning and Development Committee has passed a motion to proceed with Phase 1 of the proposal; and

WHEREAS, Phase 1 is currently being completed (review of the ordinance for deficiencies/unenforceable provisions) and the project needs to move into Phase 2, the revisions to ordinance section 9.61 (which need to be completed by July 1st, 2018); and

WHEREAS, Attorney William Scott has provided the attached cost proposal for Phase 2 of this project; and

WHEREAS, the Planning and Development Committee believes it is necessary to have Attorney William Scott assist with the revisions to the ordinance and has passed a motion to that effect; and

WHEREAS, the Planning and Development Committee currently does not have within the operating budget the funds necessary for the Phase 2 revisions or in person meetings with the Planning and Development Committee (a cost of fifteen hundred dollars per meeting according to the proposal); and

WHEREAS, the Planning and development committee believes that a budget of twenty-thousand dollars (\$20,000.00) would be required to complete Phase 2, based on the attached cost estimate from attorney William P. Scott.

NOW, THEREFORE, BE IT RESOLVED, by the Oneida County Board of Supervisors that Attorney William Scott is hereby retained for Phase 2 of the ordinance section 9.61 review and revisions project; and

BE IT FURTHER RESOLVED, that the Oneida County Budget be amended to include budget line items for the Planning and Development Committee for Legal Services and other costs; and

BE IT FURTHER RESOLVED, by the Oneida County Board of Supervisors that the County budget for fiscal year 2018 shall be amended to reflect a transfer from the Contingency Fund to Mining-Legal Fees for twenty-thousand dollars (\$20,000.00) to complete Phase 2 of the revisions to Ordinance Section 9.61, which regulates metallic mining in Oneida County.

Offered and passage moved by: Dave Hintz, Ted Cushing, Robb Jensen, Bob Mott and Billy Fried.

Discussion: Hintz went over Act 134 that was passed by the state that changes mining regulations in the state of Wisconsin. He discussed the need to obtain counsel and the deadline of July 1, 2018 to amend the county ordinance.

Motion/Second Winkler/Liebert to close debate.

Roll Call Vote on Resolution # 29 – 2018: 21 Aye

Student Representative: 2 Aye

Resolution # 29 – 2018: Adopted

Recess called at: 12:19 p.m.

Return from recess: 12:30 p.m.

Closed session - It is anticipated that a motion will be made, seconded and approved by roll call vote for the County Board to enter into closed session pursuant to Wisconsin Stats. Sec. 19.85 (1) (c) for purposes of considering employment, promotion, compensation or performance evaluation data of any public employee; and Sec. 19.85(1) (f) for the purposes of considering financial, medical, social or personal histories or disciplinary data of a specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data; and conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g). Topic – Performance evaluation of ITS Department Employee AND It is anticipated that the Committee will return to open session by roll call vote to consider the remainder of the meeting agenda.

Motion/Second Cushing/Mott to go into closed session at 12:32 p.m. All “Aye” motion passes.

Announcement of action taken in closed session, or take action based on closed session (NOTE: if the announcement of action taken in closed session would compromise the need for the closed session, the action taken will not be announced. Any action taken in closed session may be announced when the need for the closed session has passed).

Motion/Second Cushing/Fried at 1:24 p.m. to go into open session. All “Aye” motion passes.

Announcement by Hintz: In closed session I was given the authority to settle the issue.

NEXT MEETING DATE AND TIME: May 15, 2018 @ 9:30 a.m.

Unless a motion is made to change the starting time.

ADJOURNMENT:

Motion was made to adjourn at 1:26 p.m. by Cushing and seconded by Winkler.

Meeting adjourned at 1:26 p.m.

